REMARKS

The Office Action mailed July 22, 2009, has been carefully considered together with each of the references cited therein. The remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claim Rejections under § 112, second paragraph

Claims 1 - 6 stand rejected under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Applicant is of the humble opinion that the ordinary artisan would be cognizant that "reactive derivative" includes those derivatives which can be derived from a carboxylic acid group which is capable of undergoing a substitution reaction with an alcohol to form an ester, as proffered by the Office on the top of page 3 on the instant Office action. Applicant therefore respectfully traverses the §112, second paragraph, rejection of Claims 1 – 6 and courteously requests they be allowed.

Claim Rejections under §103

Claims 1 – 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Knebel, et al., (US 6,040,473) in view of Hintze-Bruning, et al., (US 6,297,314). This rejection is respectfully traversed.

Applicant respectfully agrees with the Office's assertion in the middle of page 4, where the Office states, "Knebel, et al., are deficient in that they fail to teach an oxazoline being used as a radical scavenger".

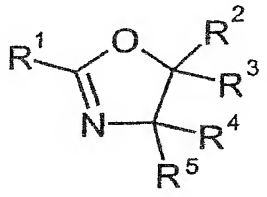
The Office attempts to invoke Hintze-Bruning, et al., to show that oxazolines are radical scavengers. The Office states, "There are two well known types of light stabilizers, ones that absorb UV radiation and ones that act as radical scavengers. Oxazolines are of the later kind".

However, Applicant is unable to locate any such disclosure in Hintze-Bruning, et al. Hintze-Bruning, et al., in column 1, lines 45 - 52 in stark contrast discloses the following:

> The requirements made of such light stabilizers are diverse. For instance, these additives should not have an adverse impact on the mechanical and chemical properties of the coating material. In addition, these additives should be chemically stable and stable to UV radiation and should also be light in color, stable in shade, easy to incorporate, and compatible with the other components of the coating material. A large number of different light stabilizers and their use. (emphasis added)

Applicant is of the humble opinion that an ordinary artisan possessing common sense would be cognizant that a compound that is chemically stable and is stable to UV radiation would not readily be regarded as being a radical scavenger. A radical scavenger chemically reacts with radicals and is therefore not chemically stable. Hintze-Bruning, et al., therefore does not teach that oxazolines are radical scavengers. Hintze-Bruning, et al., rather teaches away from using oxazolines since Hintze-Bruning, et al., teaches that oxazolines are chemically stable and stable to UV radiation.

The method according to Claim 1 is directed to a method for the preparation of esters from a reaction mixture of an alcohol and an olefinically unsaturated carboxylic acid or reactive derivative thereof, said method comprising reacting the alcohol with the olefinically unsaturated carboxylic acid or reactive derivative thereof, in the presence of from 1 ppm to 1% by weight, based on the weight of the reaction mixture, of at least one oxazoline of the formula 1



(1)

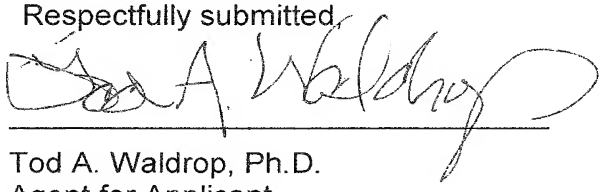
in which R^1, R^2, R^3, R^4 and R^5, independently of one another, are hydrogen or hydrocarbon radicals having from 1 to 12 carbon atoms, and R^1, R^2, R^3, R^4 and R^5

may be identical or different, being present. Knebel, et al., (US 6,040,473) and Hintze-Bruning, et al., (US 6,297,314), do not teach the method according to Claim 1. Therefore, Knebel, et al., (US 6,040,473) and Hintze-Bruning, et al., (US 6,297,314), singularly or in any combination can not support a finding of *prima facie* obviousness of the embodiment of the invention in Claim 1. For at least these reasons, Applicant is of the courteous position that the §103 rejections of Claims 1 and all claims depending therefrom, have been traversed. Reconsideration and withdrawal of the §103 rejections are respectfully and earnestly solicited.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Office has any remaining questions, please contact Applicant's representative at the number listed below. Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

Respectfully submitted,



Tod A. Waldrop, Ph.D.
Agent for Applicant
Registration No. 56,260

Customer Number 25,255
Clariant Corporation
Intellectual Property Department
4000 Monroe Road.
Charlotte, NC 28205
Telephone (704) 331-7732
Fax (704) 331-7707